

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Ethan School District  
Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Mary Borgman, Team Leader; Chris Sargent, and Lori Wehlander, Team Members

**Date of On Site Visit:** February 2nd, 2012

**Date of Report:** February 29, 2012

**All non-compliance must be corrected within 1 year of this report date.**

**Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

Meets the requirements and purposes of Part B of the Act;

Needs assistance in implementing the requirements of Part B of the Act'  
 Needs intervention in implementing the requirements of Part B of the Act; or  
 Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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**NONCOMPLIANCE ISSUE:**

**1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**24:05:30:05. Content of notice.** The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

**Source:** 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.

**Corrective Action:**

<b><u>Prong 1: Correct each individual case of noncompliance</u></b>		
The Ethan District did not consistently get Prior Notice for Consent from parents/guardians for an evaluation, evaluate in all areas listed, or indicate previous test results would be pulled forward to determine eligibility.		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student #2:  The Prior Notice for Consent listed language as an area to be assessed; however, there was no report information to verify completion of language	Individual correction of non-compliance cannot be corrected.  The Ethan School District must review policy, procedures, and practice to ensure a child's parent/guardian receives Prior Notice for Consent with the required content when	Refer to Prong #2

assessments.	proposing or refusing to initiate or change the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education to the child.	
<p>Student #7</p> <p>At a student's IEP meeting, the team agreed additional evaluations were needed to determine the student's disability. A Prior Notice for Consent was not completed for the additional evaluations or showing previous evaluation data would be pulled forward to determine eligibility.</p>	<p>Individual correction of non-compliance cannot be corrected.</p> <p>The Ethan School District must review policy, procedures, and practice to ensure a child's parent/guardian receives Prior Notice for Consent with the required content when proposing or refusing to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education to the child.</p>	Refer to Prong #2
<p><b>Timeline For Completion: June 1, 2012</b></p>		

<p><b><u>Prong 2:</u> Correctly implement the specific regulatory requirements (i.e., achieved 100% compliance). Based on the SEA's review of <u>updated data</u>.</b></p> <p><b>Required Action:</b></p> <p>Each staff member who was responsible for the aforementioned Prior Notice Consent concerns will submit the following to the team leader:</p> <ol style="list-style-type: none"> <li>1. A copy of the Prior Notice Consent for an initial evaluation or reevaluation for one student</li> <li>2. A copy of all the student's evaluation reports</li> </ol>
<p><b>All non-compliance must be corrected within one-year of this report date.</b></p>
<p><b><u>Date:</u></b></p> <p><b><u>Status Report:</u></b></p>

## **State Performance Plan-Performance Indicator**

**Performance Indicator that “MET” target:**

**Indicator 5:** Placement of Children age 6-21

**A)** Percent of children with IEPs inside the regular class 80% or more of the day.

**State Target:** 65% or higher

**District Rate:** 77.78%

**District’s Response:**

The IEP team starts student with a disability the least amount of time away from peers. The district has a high number of paras to assist students with a disability in the regular classroom. Regular classroom teachers want students with a disability in the classroom. They want to work with the students.

**Performance Indicator target that was “NOT MET”:**

**Indicator 1:** Graduation Rate: Percent of youth with IEPs graduating from high school with a regular diploma. Indicator has one year lag.

**State Target:** 83% or above

**District Rate:**   \*  

**District Response:**

Size too small.